

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**CASE SILLAM-SAULNIER** against  
**LABATON SUCHAROW LLP** and **Christopher KELLER**  
No. 21 cv 6675 (CM)

**AFFIDAVIT**

I undersigned,

Sophie Larroque, avocat au barreau des Hauts-de-Seine,  
1 place de la République F-92300 Levallois-Perret (France)

certifies the following:

**Facts and proceedings in France**

On December 20, 2017, Mr. SILLAM filed a simple complaint against X for acts of organized fraud, concealment, misrepresentation and use.

A preliminary investigation is opened and conducted by the police.

The police:

- searches for references to Mr. SILLAM in the *Traitements des Antécédents Judiciaires* (TAJ) or "Judicial Antecedents Processing" File,
- on March 17, 2021, drew up minutes detailing the proceedings in which Mr. SILLAM had been implicated between 1996 and 2006.

Mr. SILLAM's 2017 complaint is dismissed in 2021.

Having received new information from LABATON in 2019, Mr. SILLAM issued a summons to appear before the PARIS Criminal Court on charges of organized fraud, fraudulent misrepresentation and falsification.

For its defense, LABATON chose French counsel and also American counsel, GANFER SHORE & ZAUDERER, the same firm that assisted it in the American proceedings.

On January 12, 2023, the French counsel submitted to the Correctional Court the minutes drawn up two years earlier, on March 17, 2021.

The American counsel, Mr. ZAUDERER, travels to Paris and attends the hearing on January 12, 2023.

Two weeks later, on January 27, 2023, LABATON's American counsel translated the minutes of 2021 and communicated them to its clients.

**What is a “Judicial Antecedents Processing” or Traitement des Antécédents Judiciaires File (TAJ)?**

The TAJ is a judicial police file used for judicial investigations (search for offenders), administrative investigations (recruitment for sensitive jobs, etc.) and certain intelligence investigations.

It contains information on suspects and victims. Only certain authorized professionals have the right to consult the TAJ. A person registered in the TAJ has access to his or her personal information depending on the reason for registration.

The TAJ contains information on the following people:

- Persons implicated as authors or accomplices in crimes, offenses or certain 5th class offenses,
- Victims of those offenses.

The following persons may consult the Taj:

- National police officers
- Magistrate in charge of the Taj,
- Magistrate from the public prosecutor's office.

Information may be communicated to the following persons and services:

- Judicial police officer
- Investigating magistrate.

Subsequently, Mr. Sillam produced his Criminal record Bulletin number 3, free of any convictions in 2023.

**January 2023: communication of the 2021 minutes**

LABATON's French lawyers succeeded in obtaining the 2021 minutes and brought them to the attention of the French court on January 12, 2023.

On January 27, 2023, LABATON's U.S. lawyers, GANFER-SHORE & ZAUDERER, filed a declaration in which they demanded the following information:

1. *Documents sufficient to establish whether Plaintiff Sillam has ever been convicted of a crime, whether by a court or tribunal or on the basis of a guilty plea, in France or any other jurisdiction.*
2. *If the Plaintiff Sillam has already been convicted of a crime, for each conviction, all documents establishing the crime for which the conviction was handed down, the date and place of the conviction, the circumstances of the crime, and the sentence imposed and served.*
- 3- *Documents sufficient to establish the outcome, with respect to Plaintiff Sillam, of each criminal proceeding or investigation in which Plaintiff Sillam has been implicated, including, but not limited to, proceedings numbered 296/1996, 966/2001, 1167/2001, 336/2003, 911/2003, 1103/2003, 1188/2003, 1319/2003, 1264/2005 and 1419/2006, as described in Exhibit "A" attached to this request".*

**There are violations of French criminal law:**

- Violation of the secrecy of the police investigation, during the complaint filed in 2017 against X (Article 11 of the French Code of Criminal Procedure),
- By French lawyers, which benefited American lawyers,
- Access to the TAJ is strictly regulated (article 230-10 of the French Code of Criminal Procedure); a lawyer from outside the proceedings cannot have access to it,
- The fraudulent use of criminal records to make people believe in an imaginary past guilt in order to artificially discredit Mr. SILLAM.
- Breaches of the ethical rules of prudence, honor and loyalty by lawyers
- The desire to cast opprobrium on his adversary in France, in the USA and beyond,

Because the police report translated into English by GANFER SHORE will be published on PACER and will be accessible to the public,

- The production of Mr. SILLAM's police report and criminal record is not part of the defense of the defendant, LABATON SUCHAROW LLP Law Firm

See Decision of the ECDH, Karpetas v/ Greece, October 30, 2012, n°6086/10:

*"Pt. 74. In upholding the applicant's conviction by the court of first instance, the Court of Appeal considered that the applicant had repeatedly related, either directly or indirectly in a suggestive but sufficiently clear manner, facts whose imputation could and had indeed damaged the honor and reputation of the public prosecutor, presenting his decision as motivated by considerations other than an erroneous assessment of the facts, clearly implying corruption on the part of the person concerned. The applicant had peppered these allegations of corruption with expressions degrading to the prosecutor's honor, referring in particular to "a defamatory decision, vernal and imbued with sickly animosity" and "there remains the possibility of a vernal assessment and links with H.H.'s sprawling and influential gang". According to the Court of Appeal, these statements were untrue and the applicant was aware of them. As an experienced lawyer who had practised the profession for almost twenty years, he knew that his statement that the prosecutor was corrupt did not correspond to reality".*

- And, Personal data, which is protected by law, was obtained, used and misappropriated.

For those reasons, Mr. SILLAM filed a simple complaint for breach of professional secrecy on March 30, 2023.

Done on August 11, 2023

In Levallois, France

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